

REMARKS

Applicant has carefully considered the Office Action dated October 21, 2004, and the references cited therein. Applicant has amended the application in a sincere effort to place the application in condition for allowance. Accordingly, reconsideration is respectfully requested.

In this amendment, new claims 27-33 have been added. Therefore, claims 1-33 are presented for consideration.

In the Office Action, the examiner has indicated that claims 5 and 20-22 would be allowable if rewritten to overcome rejections under 35 U.S.C. §112, second paragraph and include all the limitations of the base claim and any intervening claims. (Claim 4, which was indicated as being rejected, was also listed as allowable. However, after conferring with the examiner to request clarification, she indicated that claim 4 was rejected.) In addition, claim 26 has been rejected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicant gratefully acknowledges this indication of allowable subject matter.

The Office Action, raises various claim objections and rejections under 35 U.S.C. §112, second paragraph. Applicant has amended the claims as suggested by the examiner. Accordingly, applicant respectfully submits that the claims, as amended, overcome the objections and comply with §112, second paragraph.

Claims 1-4, 7-17, 19, 23-25 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,237,889 to Bischoff ("Bischoff"). The examiner notes that Bischoff discloses a seat suspension assembly including a base having a first pair of spaced legs fixed to a support structure. The examiner also contends that the seat frame is movably connected to the base at pivot point 45, and the seat frame includes a first guide 45 engageable with one of the pair of legs 32. The examiner further contends that the first guide 45 permits control movement under the seat frame relative to the base.

As noted by the examiner, in Bischoff the element 45 is a pivot point which rotationally secures a pivot member 20 to the base. The securement may be achieved by extending a bolt through the members. Col. 5, lines 29-35. This pivot point translatably fixes the pivot member 20 relative to the base, permitting only rotational movement.

Applicant has amended claim 1 in order to more particularly define the invention. The seat suspension defined in claim 1 as amended includes a base and a seat frame including a first guide engageable with one leg of the frame. The guide is now defined as being translatable relative to the leg. The first guide permits control movement of the seat frame relative to the base. In contrast, the pivot point of Bischoff permits rotation but prevent translation of the frame relative to the base. Therefore, such translatable motion between the guide and the leg is not taught or suggested by Bischoff. Accordingly, applicant respectfully submits that claim 1, and those claims depending therefrom, patentably distinguish over the references of record.

Claim 11 has also been amended to indicate that the guide is translatable relative to one leg of a pair of legs of the base. Since Bischoff does not disclose such translation to the guide on the front leg, applicant respectfully submits that claim 11, and those claims depending therefrom, patentably distinguish over the references of record.

Claim 23 has been amended in order to define the seat frame as being movably connected to the base by a pair of first guides disposed on arms of the seat frame. The guides engage and are translatable relative to the first pair of legs. Accordingly applicant respectfully submits that claim 23 as amended, and those claims depending therefrom, patentably distinguishes over the reference of record.

Applicant has added new claims 27-32 guided by the indication of allowable subject matter.

Claim 27 includes the limitations of claim 1 and also includes the elements of claim 5. Applicant submits that the combination of claims 1 and 5 patentably distinguishes over the references of record.

Applicant has further added new claim 28, which includes the elements of original claim 11 and further defines the base as including a second pair of spaced legs which are adapted to be secured to the support structure. The second pair of spaced legs is connected to the first pair of spaced legs. Since this combination of elements is not taught or suggested by the references of record, applicant respectfully submits that claim 28 is patentable.

Applicant has also added claims 29 and 30 which depend from claim 28.

Claim 31 includes the elements of claims 11, 13, 19 and 21. In that this combination of claims has been deemed to be allowable, applicant respectfully submits that claim 31 is allowable.

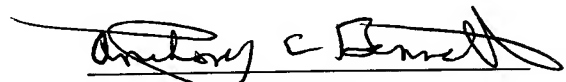
Applicant has also added new claim 32 which includes the elements of original claims 23 and claim 26. Applicant respectfully submits that the combination of the elements in claims 23 and 26 patentably distinguish over the references of record.

Additionally, applicant has added new claim 33. Favorable consideration of claim 33 is respectfully requested.

As a result of the amendment to the claims and the remarks set forth above, applicant respectfully requests favorable consideration and allowance of the application with claims 1-33.

If the examiner determines that a telephone interview would be helpful with moving this case toward allowance, she is respectfully invited to contact applicant's attorney at the number set forth below.

Respectfully submitted,



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